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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,295	06/26/2003	Geoffrey Howard Harris	MS1-1478US	7876

22801 7590 06/22/2007

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EXAMINER	
NGUYEN, LE V	
ART UNIT	**PAPER NUMBER**
2174	

NOTIFICATION DATE	DELIVERY MODE
06/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	10/609,295	HARRIS ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-97* is/are pending in the application.

4a) Of the above claim(s) *16-97* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/26/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-97 are pending in this application; and, claims 16-97 are drawn to the non-elected claims and are withdrawn from consideration.

2. Applicant's election with traverse of claims 1-15 in the reply filed on 3/27/07 is acknowledged. Applicant's traversal with regard to the failure to explain how Groups I-IX are patentably distinct from each other is noted. The Restriction Requirement action does set forth how product Groups I-III and V-VII are patentably distinct from process Groups IV, VIII and IX. However, the action fails to explicitly state how the product Groups are patentably distinct from each other. However, the reasons given for patentable distinctiveness in the action also apply as between the products and the processes as well. For example, Group I can be used with user inputted media operations rather than from a remote media provider. This distinguishes this Group from both the processes as well as the other product groups. The same reasoning applies to the other groups. Accordingly, the groups are demonstrated to be patentably distinct, one from the other, and the restriction is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Robbin et al. (US 2003/0167318 A1,"Robbin").

As per claim 1, Robbin teaches a computer-readable medium comprising computer-executable instructions that perform the following when executed by a computer: receiving a request to perform a media operation with respect to a media file (paragraphs [0029], [0033]-[0034] and [0049]); determining a media provider to which the media file is attributable; assessing if the media provider allows the media operation to be performed with respect to the media file (paragraphs [0029], [0033]-[0034] and [0049]; host computer provides media); and performing the requested media operation if allowed by the media provider (paragraphs [0033]-[0034] and [0049]; given are examples of operations allowed by provider and performed by provider).

As per claim 2, Robbin teaches a computer-readable medium wherein the determining is performed with the aid of a unique identifier for the media provider that is within the media file ([0036]).

As per claim 4, Robbin teaches a computer-readable medium wherein the determining is performed without communication across a communications network (fig. 2; wherein a cable has been selectively established between media player 202 and PC/host computer 204 prior to communication).

As per claim 12, Robbin teaches a computer-readable medium wherein the media operation includes downloading the media file to a portable media playing device (paragraph [0026]).

As per claim 13, Robbin teaches a computer-readable medium wherein the media operation includes recording the media file onto a permanent medium (paragraph [0026]).

As per claim 14, Robbin teaches a computer-readable medium wherein the media operation includes recording the media file onto a compact disk (paragraph [0026]).

As per claim 15, Robbin teaches a computer-readable medium wherein the media operation includes recording the media file onto a digital video disk (paragraphs [0026] and [0053]; the passages describes recording media items on disks wherein media items include videos).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 5-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin et al. (US 2003/0167318 A1, "Robbin").

As per claim 3, although Robbin teaches a computer-readable medium wherein the determining is performed with the aid of a unique identifier for the media provider that is within the media file ([0036]), Robbin does not explicitly disclose the unique identifier being a header. Official Notice is taken that the use of headers as unique identifiers are well known in the art such as putting metadata in a header data instead of mixing it into the content. It would have been obvious to include the use of headers as unique identifiers with the method of Robbin in order to keep metadata and content data separate and preserve the integrity of the content.

As per claims 5-8 although Robbin teaches a computer-readable medium wherein the assessing is performed by executing computer code/code module associated with the requested media operation received from the media provider ([0036]; wherein an API is required for invoking code modules), Robbin does not explicitly disclose assessing code and/or information from a remote source. Official Notice is taken that assessing code and/or information from a remote source is well known in the art such is the prevalent use of applets. It would have been obvious to include the use of applets or code/information from a remote source with the method of Robbin so that the system can leverage the most up to date code without maintenance overhead.

7. Claims 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin et al. (US 2003/0167318 A1, "Robbin") in view of Hitson et al. (“Hitson”).

As per claims 9-11, although Robbin teaches a computer-readable medium comprising communication with the media provider (fig. 2), Robbin does not explicitly

disclose communicating with the media provider if the media operation is not allowed by the media provider and presenting options to a user through the user interface for gaining allowance from the media provider. Hitson teaches communicating with the media provider if the media operation is not allowed by the media provider and presenting options to a user through the user interface for gaining allowance from the media provider (Abstract). It would have been obvious to include the method of Hitson with the method of Robbin in order to provide a layer of security.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robbin et al. (US 6,934,812 B1) teach a media player with instant play capability.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
June 7, 2007

Kristine Kincaid
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